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EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 6th August, 2018:—

BILL NO.137 OF 2018

A Bill to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2018.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO CHAPTER VIII OF THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

Amendments
to Chapter
VIII.

2. In the Juvenile Justice (Care and Protection of Children) Act, 2015, in CHAPTER VIII,—

2 of 2016.

(i) in section 56, in sub-section (5), for the words "valid order from the Court", the words "valid order from the District Magistrate" shall be substituted;

(ii) in section 58, —

(a) in sub-section (3), for the words "in the court", the words "before the District Magistrate" shall be substituted;

(b) in sub-section (4), for the words "the receipt of a certified copy of the court order", the words "receipt of the certified copy of the order passed by the District Magistrate" shall be substituted;

(iii) in section 59,—

(a) in sub-section (7), for the words "in the court", the words "before the District Magistrate" shall be substituted;

(b) in sub-section (8), for the words "the receipt of a certified copy of the court order", the words "receipt of the certified copy of the order passed by the District Magistrate" shall be substituted;

(iv) in section 60, in sub-section (1), for the words "an order from the court", the words "an order from the District Magistrate" shall be substituted;

(v) in section 61,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Procedure for disposal of adoption proceedings.";

(b) in sub-section (1), for the words "the court shall satisfy itself that", the words "the District Magistrate shall satisfy that" shall be substituted;

(c) in sub-section (2), for the words "and the case shall be disposed of by the court", the words "and the proceeding shall be disposed of by the District Magistrate" shall be substituted;

(vi) in section 63, for the words "issued by the court", the words "issued by the District Magistrate" shall be substituted;

(vii) in section 64, for the words "concerned courts", the words "District Magistrates" shall be substituted;

(viii) in section 65, in sub-section (4), for the words "order from the court", the words "order from the District Magistrate" shall be substituted.

CHAPTER III

MISCELLANEOUS

Transfer of
pending
matters under
Chapter VIII of
the Juvenile
Justice (Care
and Protection
of Children)
Act, 2015 to
the District
Magistrate.

3. All the proceedings pending before any court for adjudication under Chapter VIII of the Juvenile Justice (Care and Protection of Children) Act, 2015, before the commencement of this Act, shall stand transferred to the District Magistrate having jurisdiction over the area to entertain such proceedings.

2 of 2016.

STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Act, 2015 (the Juvenile Justice Act) has come into effect with effect from the 15th January, 2016, with comprehensive provisions for the children alleged and found to be in conflict with law and children in need of care and protection. The Juvenile Justice Act, has been enacted keeping in view of the standards prescribed in the Convention on the Rights of the Child, the United Nations Millennium Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (1993) and other related international instruments.

2. Chapter VIII of the Juvenile Justice Act deals with adoption. Sub-section (1) of section 56 of the Juvenile Justice Act provides that adoption shall be resorted to for ensuring right to family for the orphan, abandoned and surrendered children, as per the provisions of the said Act and the rules and regulations made thereunder. Section 63 of the Juvenile Justice Act states that the adoption is final on the issuance of the adoption order by the Court. Sub-section (2) of section 61 of the said Act provides that the adoption proceedings shall be disposed of by the court within a period of two months from the date of filing of an application.

3. However, it has been observed that there is inordinate delay in issuing adoption orders by the courts due to heavy work load. As on 20th July, 2018 there are 629 cases relating to passing of orders for adoption pending in various courts across the country. Due to delay in issuing the adoption orders by the courts, the child continues to languish in the child care institutions, even after getting a family.

4. In order to address the aforesaid issue and in the best interest of the child, it has been decided to amend the Juvenile Justice Act to empower the 'District Magistrate' to issue orders for the purpose of adoption. This would ensure timely processing of adoption cases and to provide orphaned, abandoned and surrendered children with familial care and protection.

5. Accordingly, the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2018, *inter alia*, proposes:—

(a) substituting the words "District Magistrate" for "court" and empowering the District Magistrate to issue order for adoption under section 63 and proposes to make consequential amendments in sections 56(5), 58(3), 58(4), 59(7), 59(8), 60(1), 61(1), 61(2), 64 and 65(4) of the Juvenile Justice Act; and

(b) transferring all the proceedings pending before any court relating to adoption orders under Chapter VIII of the Juvenile Justice Act to the District Magistrate having jurisdiction over the area to entertain such proceedings.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 27th July, 2018.

MANEKA SANJAY GANDHI.

SNEHLATA SHRIVASTAVA
Secretary General